

⑤ *Regulations on overtime and extra hours*

**Regulations on overtime and extra hours
pursuant to the Labour Act**

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PART I

Purpose, scope, basis and definitions

Purpose and scope

Article 1. The purpose of the present Regulations is to lay down the rules and principles governing any overtime and extra hours that are worked in addition to the normal weekly working hours stipulated in Section 63 of the Labour Act (no. 4857) for reasons such as the general benefit of the country or the nature of the work involved or with a view to increasing output.

Basis

Article 2. The present regulations have been drawn up on the basis of Section 41 of Labour Act no. 4857 of 22/5/2003.

Definitions

Article 3. In the present regulations,

- a) **'overtime'** shall mean hours that are worked over and above the 45-hour working week laid down in the Labour Act,
- b) in cases where the weekly working time laid down in a labour agreement is shorter than 45 hours, **'extra hours'** shall mean any hours that are worked over and above that weekly working time up to 45 hours.

PART II

General provisions

Overtime wages and wages for extra hours

Article 4. The wage to be paid for every hour of overtime shall be 150% of the normal hourly wage. The wage to be paid for every extra hour worked shall be 125% of the normal hourly wage. As regards types of work where piece rates or payment by results are applied, in cases where it is not difficult to calculate the number of pieces the worker has produced or the amount of work he/she has performed during overtime the wages paid for the piece or pieces produced or the amount of work performed in each hour of overtime shall be taken as a basis for calculating the wages due for overtime or extra hours. In cases where it is difficult to apply this rule, the number of pieces or amount of work performed per hour shall be calculated by dividing the number of pieces produced or the amount of work performed in the period in which the piece rate or payment-by-results rate applies by the number of normal and extra hours worked in that period. The normal hourly wage thus calculated that is due for the number of pieces produced or the amount of work performed in one hour shall be multiplied by 150% to give the overtime rate and by 125% to give the rate for extra hours. In places of work where the percentage rule is applied, the overtime wage shall be paid in accordance with the provisions of the regulations for which provision is made in Section 51 of the Labour Act (no. 4857).

Overtime limit

Article 5. The total amount of overtime worked shall not exceed **two hundred and seventy hours in one year**. This time limit relates to the workers in person rather than the workplace or the types of work carried out.

In the calculation of the hours worked as overtime or extra hours, periods of less than half an hour shall count as half an hour, and periods of over half an hour shall count as one hour.

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Free time

Article 6. A worker working overtime or extra hours may, if he/she wishes and on condition that he/she applies to his/her employer in writing, take one and a half hours off for every hour of overtime worked or one and a quarter hours off for every extra hour worked in lieu of extra wages. The worker shall use the free time to which he/she is entitled within 6 months on successive working days without any wage reduction on dates which the employer specifies as suitable from the point of view of the requirements of the work or place of work involved, provided that he/she informs the employer beforehand in writing. Free time shall not be taken on holidays or days of leave that are due to a worker pursuant to the Labour Act or labour agreements.

Types of work where overtime is prohibited

Article 7. Overtime is prohibited in the following types of work:

- a) types of work where, pursuant to the last paragraph of Section 63 of the Labour Act, daily working time must be only 7½ hours or less, for health reasons,
- b) types of work carried out during the part of the day which is deemed to be night in accordance with the definition given in the first paragraph of Section 69 of the Labour Act (however, the overtime for which provision is made in the present Regulations may be carried out in the night period in addition to the work that has counted as daytime work),
- c) work that is performed underground or underwater, such as mining, cable installation work or mains and sewage system or tunnel construction work.

Workers who must not be required to work overtime

Article 8. Overtime is prohibited for the following workers:

- a) workers under 18 years of age,
- b) workers holding a medical certificate issued by the works doctor or a doctor of the Office of President of the Social Insurances Institution, or, in places where there are no such doctors, by any medical practitioner confirming that their health does not allow it, even if they have previously agreed or subsequently agree to work overtime in an employment contract or collective labour agreement,
- c) workers who are pregnant, have just given birth or are breastfeeding, as indicated in the Regulations for which provision is made in Section 88 of the Labour Act,
- d) workers on fixed-term employment contracts.

Nor shall workers on fixed-term contracts be required to work extra hours.

Worker's consent to work overtime

Article 9. In order to have a worker work overtime or extra hours, the employer must obtain his/her consent in writing. Such consent shall not be required in cases of necessity or exceptional circumstances.

Employers who need to have workers work overtime shall obtain consent from the workers in writing at the beginning of each year and shall conserve it in the workers' respective personnel files.

Record of overtime

Article 10. The employer shall draw up a document setting out the hours of overtime and extra hours he has asked his employees to work and shall conserve a signed copy in each worker's personnel file. The wages due to workers for the overtime or extra hours they have worked shall be paid to them together with their wages for the normal hours they have worked, pursuant to Sections 32 and 34 of the Labour Act (no. 4857). Those payments shall

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be set out clearly on the pay slips and on the wage accounts which each worker must be given pursuant to Section 37 of the Labour Act.

SECTION THREE

Entering into force and enforcement

Entering into force

Article 11. The present Regulations shall enter into force on the date on which they are published.

Enforcement

Article 12. The provisions of the present Regulations shall be enforced by the Minister of Labour and Social Security.